IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.443 OF 2004

R.S.Mishra. .. .. Petitioner
v/s.
Union of India & ors. .. Respondents

Mr.G.K.Masand with Mrs.Sheetal D. Gulhane for petitioner.

Mr.M.S.Karnik with Mr.P.M.Pradhan for respondents.

CORAM : H.L. GOKHALE &
SMT.R.S.DALVI, JJ.

DATE : 4th July 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner is a Civilian Officer in the Ministry of Defence, Production. It is his case that he was suffering from the disease viz. Budd-Chiari-Syndrome. It is his further case that he could not get the necessary treatment in India and he was required to go abroad. It is stated in the petition that he was not even diagnosed in India. The case of the respondents is that the facility for this treatment was available in All India Institute of Medical Sciences and that he had gone abroad on his own. His request for reimbursement was turned down. The petitioner, therefore, filed a proceeding in the Central Administrative Tribunal which awarded him an

amount of Rs.2,36,900/-. According to the petitioner, he should have been awarded more amount. Having looked into the facts and the pleadings, we had suggested to Mr.Masand that if the petitioner agrees, he may file an undertaking that he will accept a decision of the Medical Board and in which case we will ask the Board to examine the petitioner. Mr.Masand informs that he has already written to the petitioner but has not received any response.

3. In these circumstances, all that we direct is that it will be open to the petitioner to make a representation to the Medical Board under Rule 11(6) of the Central Services (Medical Attendance) Rules. He will file an undertaking along therewith that he will accept its decision unconditionally. It will be open to him to present a copy of the very writ petition as his representation. In the event, he files such a representation, we expect the Board to decide the representation on its merits. As of now, we are not expressing any opinion one way or the other on the order passed by the Central Administrative Tribunal only with a view that in case the petitioner makes any such representation, the Board should be able to decide it on its own

merits. The petition stands disposed of.

4. In the event such a representation is not made, we make it clear that the decision of the Central Administrative Tribunal will remain as it is.

(H.L. GOKHALE, J.)

(SMT. R.S.DALVI, J.)